

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LEAH ANN SIEMEN, )  
Plaintiff, ) 2:12-CV-00551-LRH-CWH  
v. )  
TARGET CORPORATION, et al., ) ORDER  
Defendants. )  
\_\_\_\_\_  
)

Before the court is Plaintiff Leah Ann Siemen's Motion for Remand For Lack of Jurisdictional Amount (#8). Defendant Target Corporation has not responded.

On February 28, 2012, Siemen filed her underlying complaint in state court. The complaint alleges a single cause of action for negligence based on a slip-and-fall accident and prays for unspecified damages "in excess of \$10,000 for past, present and future medical expenses, and pain and suffering," plus interest, costs and attorney's fees.

On April 3, 2012, Target removed the matter to this court on the basis of diversity jurisdiction. In its statement of removal, Target asserts the case satisfies the \$75,000 amount in controversy requirement solely based on information and belief; no evidence is provided.

On April 6, 2012, Siemen filed the instant motion to remand for lack of jurisdictional amount. Siemen represents that she has incurred only \$14,661.00 in medical treatment to date, and

1 while she is still valuing her claim there is presently no basis to satisfy the amount in controversy  
2 requirement. Target has failed to timely respond.

3 Based on the pleadings and other papers on file in this action, the court finds that Target, as  
4 the removing party, has failed to satisfy its burden of establishing by a preponderance of the  
5 evidence that the amount in controversy exceeds \$75,000 for purposes of diversity jurisdiction.  
6 See 28 U.S.C. § 1332(a); *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996);  
7 *McCaa v. Mass. Mut. Life Ins. Co.*, 330 F. Supp. 2d 1143, 1145 (D. Nev. 2004). Accordingly, this  
8 court lacks subject matter jurisdiction and must remand the action. See 28 U.S.C. § 1447(c).

9 IT IS THEREFORE ORDERED that Plaintiff's Motion for Remand for Lack of  
10 Jurisdictional Amount (#8) is GRANTED. This action is hereby REMANDED to the District  
11 Court for Clark County, Nevada.

12 IT IS SO ORDERED.

13 DATED this 4th day of May, 2012.



14  
15 LARRY R. HICKS  
16 UNITED STATES DISTRICT JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26